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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,636

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John W. Sussmeier

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EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/803,636	Applicant(s) SUSSMEIER ET AL.	
	Examiner Jason Daniel Prone	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of cancelled claims 3 and 10 (now claims 1 and 8) is withdrawn in view of the newly discovered reference(s) to Thompson (5,896,797) and Müller et al. (4,073,039). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-9, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ifkovits et al. (6,443,447) in view of Moser et al. (5,439,208) and Thompson (5,896,797) further in view of Müller et al. (4,073,039).

In regards to claim 1, Ifkovits et al. disclose the invention including a web feeder providing a web (Fig. 1), the web feeder feeds the web a first direction (102), a web slitting device (14) splitting the web along the first direction into at least two portions (44 and 42), a transverse web cutter cutting the portions of slit web transverse to the first direction while the web is transported through the rotary web cutter to form side-by-side individual sheets (44 and 42), a right angle turn mechanism downstream of the web cutter whereby the individual sheets are rearranged to be one on top of the other in a shingled arrangement (50 and Fig. 3e), the right angle turn mechanism comprising a portion of a right angle turn transport transporting individual sheets at a first velocity

(120), and the first velocity capable of being a function of the cutting rate multiplied by the width of the individual sheets (120).

In regards to claim 4, Ifkovits et al. disclose the right angle turn mechanism comprises parallel forty five degree turning bars further comprising a first turning bar forming an inner paper path having a first turning path length (52) and a second turning bar forming an outer paper path having second turning path length (54), and the second turning path length being longer than the first turning path length (Fig. 2).

In regards to claim 5, Ifkovits et al. disclose the first and second turning bars are spaced apart as a function of a sheet length of the sheets such that the shingling arrangement comprises the sheets transported on the inner paper path being positioned at the bottom of the shingling arrangement and sheets transported on the outer paper path being positioned on the top of the shingling arrangement (Fig. 3d).

In regards to claims 6 and 7, Ifkovits et al. disclose the right angle turn transport is capable of controlling to decelerate to a stop and hold sheets upon an occurrence of a downstream stopping condition (Fig. 2) and the web cutter is a rotary cutter (16)

However, with regards to claim 1, Ifkovits et al. fail to disclose one or more sensors for scanning a code on the web, the code indicating a number of sheets for respective collations, the one or more sensors further provided a position indication of sheets, a controller coupled to the one or more sensors, the controller adjusting the cutting rates as a function of the number of sheets in a collation arriving at the high speed separation, whereby a lower/greater number of sheets in the collation corresponds to decreasing/increasing the cutting rate.

However, with regards to claim 1, Ifkovits et al. fail to disclose a high speed separation transport downstream of the right angle turn transport and pulling individual shingled sheets out from the shingled arrangement and whereby sheets are thereafter transported serially and separated by predetermined gaps and the high speed separation transport has a velocity that is the function of the cutting rate multiplied by a sum of the length of the individual sheets and the gap.

Moser et al. teaches a high speed separation transport downstream of the right angle turn (22) and pulling individual shingled sheets out from the shingled arrangement and whereby sheets are thereafter transported serially and separated by predetermined gaps and the high speed separation transport has a velocity capable of being the function of the cutting rate multiplied by a sum of the length of the individual sheets and the gap (Column 5 lines 39-50). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Ifkovits et al. with a high speed separation transport, as taught by Moser et al., to separate the sheets for further processing and because all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

However, with regards to claim 1, Ifkovits et al. fail to disclose one or more sensors for scanning a code on the web, the code indicating a number of sheets for respective collations, the one or more sensors further provided a position indication of

sheets, a controller coupled to the one or more sensors, the controller adjusting the cutting rates.

Thompson teaches it is old and well known in the art of web cutters to incorporate one or more sensors (33, 34) for scanning a code on the web (30), the code indicating a number of sheets for respective collations (30), the one or more sensors further provided a position indication of sheets (column 4 lines 32-45), a controller coupled to the one or more sensors (36), the controller adjusting the cutting rates (column 4 line 49-column 5 line 35). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Ifkovits et al. with scanners, codes, and a controller, as taught by Thompson, to allow a user to keep track of the workpieces and because all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

However, Ifkovits et al. in view of Thompson disclose the ability to adjust the cutting rate (Thompson column 4 line 49-column 5 line 35) but fail to disclose the adjusting the cutting rate as a function of the number of work pieces.

Müller et al. teach it is old and well known in the art of continuous cutting to adjust the cutting rate based on the number of output (column 3 lines 62-66). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Ifkovits et al. in view of Thompson with adjusting the cutting rate as a function of the number of work pieces, as taught by Müller et al., to

allow for maximum output in a desired time limit and because all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

4. Claims 8, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ifkovits et al. (6,443,447) in view of Moser et al. (5,439,208) and Thompson (5,896,797) further in view of Müller et al. (4,073,039). See rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Daniel Prone whose telephone number is (571)272-4513. The examiner can normally be reached on 7:30-5:00 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

07 January 2009

/Jason Daniel Prone/

Primary Examiner, Art Unit 3724

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724

/DONALD HAJEC/

Director, Technology Center 3700